

Law Enforcement News

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An education in crime stats

Colleges race the clock to meet accurate-data mandate

Two years after passage of a tough new federal law aimed at improving the reporting of crimes committed on college campuses, it was down to the wire last month for thousands of schools as they tried to meet a mid-October deadline for posting crime data on a U.S. Department of Education Web site.

The effort marks the first time such statistics have been published by the federal government and reflects an unprecedented push to establish accuracy in the documenting of offenses. Under the provisions of the Jeanne Clery Act, passed in 1998, colleges found filing false reports face a fine of \$25,000 for each misreported figure.

Federal officials claim that colleges have traditionally underreported violent and property crimes despite a 1990 law requiring the data. The recent revision of that law sought to close a number of loopholes through which college administrators were able to exclude some criminal offenses.

Named for a student who was killed in 1985 in her dormitory room at Lehigh University in Bethlehem, Pa., the Clery Act expands the definition of a campus to include city streets that cut through college tracts, and requires officials to survey local police, rape crisis centers and dorm leaders for alleged crimes that might not have been reported to campus police. All criminal complaints, whether proven or not, must be documented, and schools are also required to publicize their reporting procedures and crime statistics.

In 1997, the General Accounting Office conducted an audit of 25 colleges and found that 23 did not properly report crime statistics, particularly those involving rapes and assaults.

In more than 100 college crime reports audited by the Education Department over the past 10 years, problems

were found in nearly every one. For example, the 7,400-student campus of Minnesota State University-Moorhead reported one sexual assault during the 1994-1995 school year, but statistics from the local rape crisis center show it handled 35 alleged sexual assaults that took place on school grounds that year.

At the University of Pennsylvania, according to federal auditors, 18 armed robberies were reported to the federal government in 1996, but campus police actually worked more than 200 in their patrol area. The school omitted crimes occurring on the municipal streets which crisscross the Philadelphia campus.

Administrators at the University of

Florida acknowledged excluding 35 rape cases from the school's crime reports from 1996 to 1998. The tally included only those 12 rapes reported to university officials, but not those reported to the victims' advocacy center on the 42,300-student campus in Gainesville.

Senator Arlen Specter (R.-Pa.) told USA Today that he pushed for more stringent reporting requirements after receiving complaints from parents and students. "Colleges were looking for technicalities and loopholes to avoid reporting because of the bad publicity that engenders," he said. "I was madder than hell."

In April, Mount St. Clare College in Clinton, Iowa, became the first

school ordered to pay \$25,000 for what federal officials called a history of deception in its crime reports. The school failed to include in its statistics an alleged rape in 1995, and another alleged sexual assault in 1998. It was only after an audit of the crime reports that administrators included the more recent incident.

In October, the victim in the 1998 case sued the school on the grounds that its disregard for student safety led to her being raped.

By Oct. 17, some 95 percent of 6,000 universities and colleges nationwide were expected to have their statistics posted on the Web site, www.ope.ed.gov/security. According to

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To testify in R.I. cases, first you have to stay alive

Rhode Island's police, sheriffs and marshals got their first lesson in identifying and protecting vulnerable witnesses last month under a decade-old state program whose guidelines were revised in the wake of the fatal shooting of Jennifer Rivera, a 15-year-old Providence teenager killed last spring before she could testify at a murder trial.

Some 120 local and state law enforcement officers received two days of training on Oct. 26 and 27 on new rules and procedures pertaining to witness protection that were developed by the office of state Attorney General Sheldon Whitehouse. The new standards call for police and prosecutors to assess the risks to a witness and provide needed protection. It also establishes the position of "witness protection coordinator" who would serve as

a liaison to state and local police, said William J. Ferland, chief of the attorney general's criminal division.

"What sparked the training was a comprehensive review of our witness protection protocol stemming from the execution of a 15-year-old girl here in Providence scheduled to testify two days later in a murder case," Ferland told Law Enforcement News. "There was a great hue and cry from the public to look into why this was allowed to happen. The attorney general formed an oversight committee with a number of people who have a tremendous amount of expertise in the witness-protection area."

While Ferland said he believes witness intimidation and retaliation to be no greater a problem in Rhode Island than in other jurisdictions, there have

been several incidents in the past several years in which cooperating witnesses have been killed. One such case involved a former Foster police officer, Robert G. Sabetta, who was convicted in 1994 for murdering three teenagers who planned to testify that he had assaulted them with a dangerous weapon.

And intimidation is fairly common, noted Detective Sgt. Vincent Mansolillo of the Providence Police Department, who told The Providence Journal-Bulletin that witness statements and photos have been found tacked up on utility poles.

Rivera was shot twice in the head on May 21 outside her home by an individual wearing a hood. Her killer has not been caught. The teenager was going to testify that on Aug. 28, 1999, she heard gunshots, then saw the murder defendant, Charles Pona, 19, hop a fence and flee the scene where his victim, Hector Feliciano, had been fatally shot. Jurors heard a tape of the hour-long testimony Rivera gave at Pona's bail hearing. The defendant was convicted in July and sentenced to a life term plus eight years.

Rhode Island's witness-protection initiative is one of only a dozen or so similar programs around the country. State officials established it in 1990 after Peter Gilbert, a mob witness serving a sentence for murder, died while traveling to a skydiving class in Connecticut. Gilbert had been under the custody of the Providence police at the time.

The training, said Ferland, focuses primarily on sensitizing patrol officers, as the first responders, and detectives to witness-protection issues and concerns. The approach has been shifted, he said, from the reactive to the proactive. "We want officers in the field to be doing a proactive risk assessment and taking it upon themselves to identify witnesses who are at risk for in-

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Des Moines police don't thumb their noses at use of TV news chopper

Des Moines police officials say they are less concerned right now about any potential conflict of interest in the agency's occasional use of a local television station's helicopter than they are about the craft's rotors blowing away bits of evidence from a crime scene.

Under an agreement with WHO-TV, the department can use the helicopter — dubbed Chopper 13 by the station — to fight crime when it is not being used to cover the news. The agency used it for the first time on Oct. 6 during the search for a missing woman.

The deal, said Lieut. Kelly Willis, is an example of how the department and the media have learned to work together over the years. "We could fight this thing," he told Law Enforcement News, "but the fact of the matter is this is the way they're going to be conducting business." It is better to get in on the ground floor and determine policy,

said Willis, then to follow another agency's guidelines.

When the department is using the helicopter, he said, it is basically in charge of the craft. It is no different, noted Willis, than if an officer had commandeered a civilian's car to respond to a bank robbery in progress. Also, WHO has given the department editing powers, he said. "We've been told we can edit whatever we like. That's not usually the case."

Michael Bock, the station's president, said his news operation will get nothing in return except for the ability to report a story from beginning to end — an important edge. "This is technology that they obviously don't have," he told The Des Moines Register. "We thought we could help in terms of finding a missing child or chasing down a suspect."

Bock said he sees no conflict of in-

terest. WHO, he said, does not need police influence to cover the news fairly and accurately. The police have no "leverage" in covering the news, said Bock.

Others in the profession have taken a different view, however. Jeffrey Smith, a professor of journalism and mass communications at the University of Iowa observed: "Journalists and law enforcement officials can cooperate for mutual benefits, but conflicts can develop. A reporter who gets cozy with authorities will have difficulty reporting on the mistakes [police] make. An officer who relies on news organizations may end up serving them before the public."

The bigger problem, as the Des Moines Police Department sees it, is the disruption of a crime scene by the helicopter. Canvas walls are normally used by the agency to protect the area. A

body may have to remain at the scene for some time until evidence, particularly biological samples for DNA testing, can be processed, said Willis.

"We've been pretty much guaranteed they will back off," he said.

Several weeks ago, Chopper 13 complied when police asked the pilot to move back while they negotiated with a man during a standoff. If necessary, Willis told The Register, investigators may declare airspace to be part of the crime scene and ask reporters to maintain their distance.

Another issue is the helicopter's camera, which has a 40:1 zoom lens. Willis said he was concerned that officers, believing they are out of the public eye, may act in a less than professional manner — "picking their noses, or joking around."

"There are some training issues that have to come up," Willis said.

Around the Nation

Northeast



MASSACHUSETTS — Retired Boston police officer Michael S. Flemmi faces weapons, obstruction of justice and perjury charges for allegedly stashing an arsenal of 70 guns, silencers and other weaponry, and false police badges for his gangster brother, Stephen "The Rifleman" Flemmi and his partner, South Boston crime boss James "Whitey" Bulger. Flemmi has been added to a federal racketeering indictment that was handed down in September against his brother and Bulger.

In an apparent case of suicide-by-cop, an unidentified man was shot to death by Boston police after a behind-the-wheel rampage that left six people injured, including two officers, and 10 cars damaged. After the man, who was described as being Hispanic and in his mid-20s, was taken to a local hospital, aides there found in his wallet a handwritten letter indicating that he wanted to kill himself. The shooting came on the heels of a memo from Police Commissioner Paul Evans, instructing officers to avoid firing at moving vehicles.

Brookline police officers have won a federal lawsuit over their right to use compensatory time off at their discretion. The judge ruled that a request, if made in a timely manner, should be granted unless the agency can show that the time off would prevent the agency from delivering necessary police services. The agency must also offer to pay premium rates to officers substituting for officers requesting the comp time.

The Ware Board of Selectmen received a petition signed by more than 1,000 people who want to restore the police canine unit. Police Chief Dennis M. Healey, however, is not interested in starting a new unit citing the infrequent use of the prior dog, the expense involved, potential liability and the waste of a police cruiser.

NEW JERSEY — Authorities are waiting for the results of an autopsy on a man who died Nov. 13 after he was pepper-sprayed by Monroe police. Police were called to a local firehouse because Mitchel Spero was outside pounding on the windows. When police arrived, Spero resisted officers and was pepper-sprayed, handcuffed and put in the patrol car. An ambulance was called when he continued to struggle. He stopped breathing on the way to the hospital and efforts to revive him were unsuccessful.

NEW YORK — The first class of the West Seneca Citizens Police Academy graduated with honors this month after taking part in ride-alongs, weapons training and station tours. Assistant Chief Edward Gehen, who hopes to hold the 10-week program twice a year, wants to give the entire community a better understanding of the police department's responsibilities.

The Cheektowaga Town Board is seeking to fine-tune a proposed \$47-million budget that would entail a 6-percent hike in town taxes next year. Fiscal belt-tightening has already resulted in not filling the vacant position of assistant police chief, and could mean ending or

curtailing police involvement in programs such as a citizens' police academy and the DARE program. Council members feel that these programs create overtime by drawing from the personnel needed for street patrols and other essential police duties.

Two New York City police detectives, Willie Parson and Steve Fuller, and a retired officer, Philip Moog, were arrested Oct. 25 on drug conspiracy charges alleging they were couriers for a Colombia-supplied cocaine and heroin ring. Fuller was caught in a sting operation in which he delivered drugs to an undercover agent in a Baltimore hotel room.

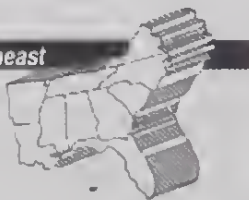
PENNSYLVANIA — Former Norristown police chief Thomas Stone, who is now a consultant, has advised the Borough of Quarryville to keep its local police force and not adopt a plan to rely on the state police. Stone concluded that a rising crime rate will rise further with the construction of many new homes now underway in the borough. The idea of disbanding the police force was prompted in part by internal disputes in the department and numerous lawsuits for sexual discrimination and civil rights violations, which have placed a significant financial strain on the borough.

Public defenders in suburban Philadelphia are complaining that a police strategy of arresting downtown drug buyers as they drive home is shifting the legal costs of the cases to adjoining Delaware and Montgomery counties. Montgomery County District Attorney Bruce L. Castor, however, points out that suburban districts can devote more attention to routine drug cases and that the suburban judges seem to take the crimes more seriously.

RHODE ISLAND — A retired East Providence police officer, Alan A. Gouveia, admitted on Nov. 2 to embezzling more than \$26,000 from the Fraternal Order of Police while serving as its treasurer. Gouveia is under court order to repay the money on his sentencing date of Jan. 9.

Five members of the Cranston Police Department's 17-officer Special Response Team recently placed first in a regional competition held among 10 special-tactics teams from Massachusetts, New Jersey, and Rhode Island. The competition, held in Camden County, N. J., was designed to test the officers' skills under stress and physical exertion.

Southeast



ALABAMA — Former Huntsville police officer Paul Hatfield, who pleaded guilty in August to two charges of felony possession of anabolic steroids, was sentenced Oct. 27 to three years probation. He had resigned from the force in November 1999 when officers found steroids in a search of his house. He had also been arrested in July 1999 for stalking his ex-wife.

Mobile has become the first large city in Alabama to try Taser stun guns, as 25 officers recently began training with

the company that sold the police department 100 of its M-26 advanced Tasers. The purchase came about a year after the controversial police shooting of a 21-year-old man, Tamann Bullard, who entered a business waving a knife and yelling that he was the "Son of God."

FLORIDA — Daniel Blais of Daytona Beach was arrested and charged with impersonating a law enforcement officer after he pulled his car up next to Orlando Police Officer David Mixon's car, displayed a badge, turned on flashing lights and told Mixon to pull over. When Mixon identified himself, Blais quickly admitted to not being an officer.

Although nobody in Jacksonville Beach is faulting police for arresting three bartenders at a restaurant and five convenience store employees for selling alcohol to underage customers, there has been some criticism over their methods. Officers from the Community Response Team, who often work undercover and don't want to jeopardize their safety, have been making the busts in camouflage clothing and ski masks. The police department has agreed to use uniformed officers to make the arrests.

No charges have been filed after a 20-month probe of the Jupiter Police Department. The investigation began after a Port St. Lucie attorney, Carolyn Kowalski, and Tammy Manning claimed that members of the department hindered their efforts to have Officer Jerry Duchene investigated. The allegations against Duchene, who had once dated Manning, included sexual relations with a high school intern, death threats and suicide threats. The investigation expanded to include a probe into the actions of Deputy Chief Stan Hermanski and the department's handling of homeless people.

GEORGIA — The Midtown section of Atlanta now has its own private police force, made up of 12 off-duty and retired Atlanta police officers with full police powers. The \$1.2-million annual cost is coming from an extra tax on commercial property. The patrol, the first of its kind in Atlanta, was created to reduce the number of auto break-ins and thefts in the area.

The family of the late Carlton Evans, former sheriff of Coffee County, has publicly rejected assertions that Evans killed himself after fleeing from the Georgia Bureau of Investigation and the FBI. Evans was under investigation for drug charges and his lawyer said he had agreed to surrender voluntarily should he be indicted. His widow, Karleen, said: "I unequivocally reject the theory that he attempted to flee from federal authorities and that he took his own life." GBI spokesman John Bankhead maintained there is no evidence to indicate anything but a suicide.

LOUISIANA — Natchitoches assistant police chief James Donahue has resigned and admitted to officials that he misused department money. Investigators do not yet know how the money was misspent but have hired an accounting firm to conduct a police department audit.

Jackson police officer Shelly Coleman has been charged with sexual battery and another officer, Trevon Jones, as an accessory before and after the fact. Coleman allegedly had sexual relations

with a 13-year-old girl while on duty and Jones did not report the incident according to Police Chief Braey Coleman. A social worker from the Department of Human Services visited the girl's home and the girl talked about the alleged attack.

Acadia Parish sheriff's deputy Rayford Trahan was indicted by a grand jury Oct. 27 for allegedly threatening to arrest a woman for drunk driving unless she had sex with him. State police allege that Trahan stopped the woman on a rural road, took her driver's license and told her to accompany him. He then took her to a secluded location where he raped her.

The trial of New Orleans Police Officer George Lee 3d collapsed on Oct. 25 when prosecutor Lionel Lon Burns, was briefly jailed for contempt of court for allegedly mishandling evidence. This is Lee's third trial on charges of raping five women after threatening to arrest them. Judge Arthur Hunter set the next trial for Jan. 9, and Lee remains jailed in lieu of \$200,000 bail.

SDUTY CARDLINA — The newly formed North Myrtle Beach Police Association has applied for a charter from the International Union of Police Associations, making them the fifth group in South Carolina to establish ties with an international union.

TENNESSEE — Former Lebanon police officer Steve Nokes was indicted Nov. 3 on charges of criminal responsibility for reckless homicide, evidence tampering and aggravated perjury, after leading a drug raid on a wrong house that resulted in the death of an innocent man. When five officers burst into the home of John Adams, 64, he fired at them with a sawed-off shotgun, believing he was the victim of a break-in. He was shot and killed by the police.

VIRGINIA — Three of the 18 Danville area residents who pleaded guilty Nov. 2 to participating in an illegal pyramid scheme were Danville police officers. Lieut. Samantha Luck and officers Matthew Walker and Samuel Bray were given suspended sentences of 60 days in jail, and fined \$200. They were placed on administrative duty but Police Chief T. Neal Morris says they will return to regular duty soon. A total of 52 area residents have been charged in the scheme.

Two of three men charged with killing off-duty Norfolk Naval Shipyard police officer Lisa Bailey last December have pleaded guilty to murder. Farrell D. Richardson and Kenny L. Riddick will serve up to 45 and 30 years behind bars, respectively. Arscan Hicks, who was 16 at the time of the crime, faces capital murder and other charges and goes on trial next month. The three men shot and killed a pizza delivery man and took his car to go to a local diner that they were robbing at gunpoint when Bailey approached them and flashed her badge. Hicks allegedly shot her in the head, causing her death.

Midwest



ILLINOIS — Round Lake Police Chief Charles Foy surveyed residents'

opinions on the community policing program adopted under his command and believes people are happy with the program. Officers have adopted a more friendly, open approach and a style of dress that includes a more subdued display of weaponry. Foy wants his officers to get to know local youths better and work on fostering a more positive image of the police among that group.

Leroy police officers William Prunty and Ritchie Cooper joined former police chief Ronald Kilman in filing complaints with the federal Equal Employment Opportunity Commission and the state Department of Human Rights against Councilman Steve Dean, for allegedly making unwanted homosexual advances toward them. The officers claim Kilman told city officials about the problem but was rebuffed and that the complaint led to his suspension.

Chicago police staged a demonstration outside of Mayor Richard M. Daley's office at City Hall on Nov. 3 to protest an "insulting" proposal for a 15.25-percent pay raise over the next four years. The contract would also award \$1,000 bonuses to officers who agree to spend five years in high-crime precincts.

INDIANA — Marion County Prosecutor Scott Newman will seek the death penalty against Benjamin Ritchie for the Sept. 29 killing of Beech Grove Police Officer William Toney. Ritchie, 20, allegedly shot and killed the officer who was pursuing him on foot.

Indianapolis police Detective Scott Cooper turned himself in Oct. 31 after vanishing for a few days when he learned he was under investigation for possession of child pornography. Cooper was charged with a misdemeanor, after police found a videotape allegedly showing sexual misconduct involving males under the age of 18.

KENTUCKY — Former Jessamine County sheriff's detective Chris Hinerman, 51, was sentenced to 18 months in federal prison Nov. 3 for selling an anabolic steroid within 1,000 feet of a private Christian school where he worked as a security guard. If he successfully completes a nine-month drug treatment program at the prison he will be eligible to have a year cut from his sentence. He resigned from the sheriff's department when he was charged.

MICHIGAN — The Wayne County prosecutor has cleared a Detroit police officer who killed three people and wounded another. The Police Department ordered a re-examination of Officer Eugene Brown's record after a public outcry over his involvement in nine shootings in his six-year career. Brown, 34, will be going back to a street assignment and will receive a promotion to sergeant that had previously eluded him because of the probe.

OHIO — Jurors in Cleveland deliberated for less than three hours Nov. 9 before convicting Quisi Bryan of aggravated murder and recommending that he be sentenced to death for killing Patrolman Wayne Leon last June. Bryan shot the officer in the face at point-blank range after Leon had stopped him for having altered temporary license plates.

The Fraternal Order of Police is suing the City of Cincinnati for \$1.6 million,

contending that it illegally docked the pay of 32 officers who served in National Guard units. The lawsuit asked the court to prevent the city from deducting military pay differentials and benefits from their salaries. The FOP's contract with the city says that officers are entitled to take leaves of absence without loss of pay for up to one month per year to fulfill military obligations.

Former Columbus police sergeant Ellis L. Jennings was convicted Nov. 2 and sentenced to seven years in prison for sexually molesting two female relatives in the 1980s and 1990s when they were minors. Because Jennings, a 19-year veteran, had resigned when he was charged rather than being fired, he will be eligible for his police pension of an estimated \$1,273 a month beginning in six years.

WISCONSIN — The Milwaukee Common Council voted to cut the Milwaukee Police Department's internal investigations budget by \$100,000 after learning that even though there are only 1,550 officers on the payroll, the Internal Affairs Division planned nearly 1,300 probes this year. Police Chief Arthur Jones believes that the investigative work is crucial to avoid the kind of scandals that have hit the police departments in Los Angeles and other cities, but union leaders claim that many investigations are directed at minor rule violations and not at real corruption.

Law enforcement officials in Milwaukee say that if a current trend continues, police there will arrest 27,000 fewer adults this year than they did two years ago, a drop of 34 percent. Bradley Debraska, president of the Milwaukee Police Association, criticized the management style of Chief Arthur Jones, which he said could be demoralizing officers and resulting in less aggressive policing.



KANSAS — Shawnee County District Attorney Joan Hamilton is under fire from providers of services to domestic violence or sexual assault victims, who claim the D.A.'s office too often fails to prosecute or is too lenient with offenders. One out of every three cases in the county during the first half of this year was pleaded down to a lesser offense. Prosecutors maintain that the number is not out of the ordinary and that the decision not to prosecute is based on criteria like insufficient evidence, the wishes of the victim, credibility of the victim, or an inability to identify the initial aggressor in dual arrests. Mike Lovin, director of the Topeka Police Department's Domestic Violence Project, said that less reliance on the cooperation of the victim and using other forms of evidence should be used to effect prosecution.

MISSOURI — Prosecutors in St. Louis County have decided not to press charges against four former Webster Groves police officers, who allegedly engaged in improper conduct with two girls, ages 16 and 17. Under Missouri law, there is no crime in a sexual relationship unless one party is under 17, and in that case, the state must also

show that the conduct of the adult meets specific guidelines. Three of the officers were fired, and the fourth one resigned.

An audit of the Lee's Summit's Police Department that was ordered in response to a vote of no-confidence in Police Chief Ken Conlee has revealed that despite bitter internal conflict, police response time and case clearance rates are much better than the industry averages. The study, however, pointed to problems that included possible pay inequities, overwork, a lack of experienced supervisors, and communication problems between officers and management. The City Council has planned and budgeted for a pay study intended to make sure that police pay is fair compared to that of firefighters.

Sgt. Richard Weinhold, a 13-year veteran of the St. Louis County Police Department, was shot to death Oct. 31 in what authorities said was a cold-blooded ambush. He was the second St. Louis area police officer to die in the line of duty in three months. Weinhold was one of four officers who answered a call regarding a squatter who had barricaded himself inside a home and wouldn't let the paying tenant in. During a search, the suspect, Thomas Meek, fired a shot at Weinhold, hitting him in the shoulder and chest.

The police in Blue Springs are investigating a sexually explicit, pro-drug Internet site that uses the police department's name without authorization. However, a police spokesman said he's not sure what can be done about the site, as it is difficult to determine which laws, if any, were broken.

NEBRASKA — The Nebraska Crime Commission has decertified a 20-year veteran of the Nebraska State Patrol, Sgt. Steve Hauser, who was charged with assaulting his estranged wife. The ruling will prevent Hauser from working in law enforcement in the state. An arbitrator had previously ruled that firing Hauser violated his labor contract and ordered that he be given his job back. Hauser remains on administrative leave while the State Patrol await legal advice on how to proceed.

Madison Police Chief James Loudon was investigating a possible car break-in Oct. 29 when he was struck by a crowbar and shot in the chest by the suspect. He was wearing a bulletproof vest and sustained only minor injuries. The attacker escaped.



COLORADO — With no criminal charges to be filed, Denver District Attorney Bill Ritter and the Denver police have ended a joint investigation into the disappearance of drugs, guns and \$100,000 in cash from the Denver police property room. Ritter maintains that the passage of time and outdated police procedures have made it impossible to trace the disappearances. Investigators did learn that 6 of the 12 firearms listed as missing were disposed of properly. Stricter controls have since been implemented in the property room.

Boulder police have added a military surplus vehicle to their fleet. The armored personnel carrier will be used primarily by the SWAT team for tactical emergencies.

OKLAHOMA — Inmates being held in the Delaware County jail on misdemeanor complaints are being released because the sheriff's office does not have the money to feed them. The sheriff's office has a \$63,000 deficit and not until the 2000-2001 budget is approved can funds be placed in the sheriff's accounts to cover his payroll and jail operating expenses.

TEXAS — Harris County sheriff's deputy J. C. Risley was killed Oct. 23 by a retired oil worker, who was subsequently killed by another deputy who responded to a call for backup. Jimmy Ross Whitehead, 70, thought his neighbors were involved in organized crime. When he confronted them on their doorstep, armed with a shotgun, they called for help, and Deputy Risley responded. Risley, a 10-year veteran, left a wife and two young daughters.

Rosenberg Police Officer Albert Rubio was indicted on Oct. 24, charged with the aggravated sexual assault of a 10-year-old girl.

A Houston police officer was indicted on Oct. 26 on two counts of indecency with a child and official oppression. While working as a security guard at a Deer Park skating rink, John Sheldon Williams allegedly fondled the breasts of two girls and threatened to ticket one of them for the purpose of detaining her for further harassment.

Sgt. Susan Griest and Officer Deborah Horne of the Houston Independent School District police have filed sexual harassment complaints with the federal Equal Employment Opportunity Commission, claiming that their supervisors and fellow officers made lewd comments to them. Although an investigation found no proof of sexual harassment, a district spokeswoman said that one officer will face a reprimand for inappropriate conduct.

Ward County sheriff's deputy Lee Russ was stabbed to death Oct. 29 at the scene of a domestic dispute in Monahans. Russ was killed with the same knife used to kill a Monahans woman. Before he died, Russ shot and killed the assailant.

Houston Police Officer Ernest Jackson II was indicted Nov. 1 and placed on paid leave pending an investigation into charges that he sexually abused his 10-year-old niece. Jackson, 33, was charged with aggravated sexual assault and indecency with a child.



ALASKA — A recent survey of Anchorage residents showed that nearly 86 percent were at least somewhat satisfied with their police department. When asked what should be the police department's highest priorities in the event of budget cuts, most people said that besides major crimes like murder,

rape and assault, priority should be given to child abuse, domestic violence and alcohol violations.

CALIFORNIA — In National City, two fired female police officers have sued the city, claiming that the police force discriminates against women. Faye Alvarado Bloom and Vivianne Kris Elig claim to have been fired last year after being accused of lying during an internal affairs investigation, in which they said a male crime scene specialist failed to give them certain information about a burglary suspect. Both say that a male officer who was found at fault during the investigation was only given a four-day suspension.

A \$240,000 state grant will help the San Diego Police Department to buy non-lethal weapons like beanbags and Tasers. The grant is part of a planned \$810,000 expenditure on nonlethal weapons and crime lab improvements. The city budget will provide the remainder of the funds.

Despite the Nov. 1 arrest of Madera County Sheriff John Andersen on charges of driving while under the influence and evading police, colleagues and the community appear to be supportive. A West Sacramento police officer found Andersen, 60, asleep at the wheel of a county-owned car while the engine was running. After talking to the officer, Andersen drove away and was subsequently pulled over and handcuffed. Breath tests showed that his blood alcohol level was above the .08-percent legal limit.

Four Oakland police officers, who call themselves "The Riders" were charged on Nov. 2 with a combined 49 felony counts for alleged misconduct. The charges included assault, kidnapping, and filing false reports. The Alameda County District Attorney's Office has dropped 23 drug possession cases in which the officers were involved.

The San Francisco Police Commission approved a half-million dollar settlement to the family of Sheila Deto, 17, who was shot to death by Police Officer Gregory Breslin while he was trying to arrest a fleeing narcotics suspect. Breslin claims that when he shot at the car that Deto was a passenger in, it was going 30 miles per hour and he was in danger of being hit. A witness disputed this claim, saying that the car was going less than 5 mph and that Breslin was not in its path. Breslin has been cleared by the police department and the district attorney's office.

IDAHO — In a report called for by city officials in Boise after six police-involved shootings in 17 months led to eight deaths, including that of Officer Mark Stall, Community Ombudsman Pierce Murphy concluded that police officers used proper procedures in nearly 90 percent of the incidents where citizens filed complaints. Murphy offered several recommendations, including a department refresher course on search-and-seizure and Miranda warnings, and a change in the policy that allowed new officers to have civilians riding along.

HAWAII — The Hawaii County Police Department has opened two new police substations in the Hilo area, expanding its community policing program and bringing the number of com-

munity substations to eight.

OREGON — State Police Superintendent Ron Ruecker has shut down his agency's air fleet due to budgetary problems. The State Police entered the 1999-2001 budget facing a \$3.8-million deficit, even though the Legislature had increased its budget by 16 percent to \$168.5 million and added money to hire 100 new troopers. The department moved money from other operations and left 20 trooper jobs vacant to keep a helicopter and twin-engine airplane flying.

Clackamas County sheriff's deputy Bill Bowman was shot and killed on Sept. 12 during a SWAT team training exercise by an instructor who was accidentally handed a gun loaded with live ammunition. A sheriff's office spokeswoman said that the incident was facilitated by "a complete list of errors" and that many changes in policy and procedure were likely.

After the discovery of a sexually explicit video of four teen-age police Explorers, Bandon Police Officer Michael Lee Peters was arrested Oct. 27 for sodomy, sexual misconduct and sex abuse involving one of the teenage girls in the video. Police Chief Bob McBride said that the relationship between Peters and the girl apparently began several months ago and may have been conducted on police time.

The director of the 911 center in Portland has been found to have completed an aggregate of only eight full work weeks since she was nearly fired eight months ago for routinely failing to report to work. City Commissioner Dan Saltzman planned to fire Sherrill T. Whittemore last January when her lawyer countered that her absences are related to a long list of health problems and that firing her would violate the Americans with Disabilities Act. Auditors found, however, that Whittemore was regularly revising her time sheets and reclassifying her sick leave and vacation time.

WASHINGTON — The Pomeroy City Council has clamped a six-month moratorium on the police requirement that calls for a physical agility test. The issue came up after Mayor Clay Bart informed two officers who were placed on administrative leave for allegedly mishandling a child rape investigation that he was considering taking them off leave if they could pass a fitness exam. One of the two officers maintains that the request for the exam is a ploy by the mayor to get rid of them.

Sloppy bookkeeping and other accounting problems are being blamed for the failure of the Snohomish County Sheriff's office to obtain about \$177,000 in federal grant funds. Sheriff Rick Bart maintains that the federal grants were used to put more officers on the street without increasing support staff.

Ken Badgley will retire on Jan. 31 after 22 years as Wenatchee's police chief. Badgley was often criticized for his handling of the Wenatchee child sex-abuse cases, in which 17 of 26 people convicted of felonies have since had their convictions thrown out or were released from prison early. Many people are now suing the city over the cases.

People & Places

Quarter-millionaire

While the big-screen television in the garage was a clue that he won some money, not even the Omaha Police Department's best detectives were able to crack Lieut. **Erie Buske**, who for nearly two weeks kept secret from co-workers and family the fact that he had won \$250,000 as a contestant on "Who Wants To Be A Millionaire."

Buske, 39, is a 16-year veteran of the department who works in the narcotics unit. He captured the quarter-million dollars after correctly answering that Andrew Jackson was the target of the first documented assassination attempt on a sitting U.S. president.

About 80 friends and family members gathered at Buske's home on Sunday, Oct. 15, for a viewing party. Only his children knew beforehand how much he had won. Joking about how tight-lipped Buske was about the outcome, Police Chief **Dun Carey**, who attended the celebration, said, "We're trained investigators and we can't crack him."

Buske and his wife, **Deborah**, were flown by the show out to New York for the Oct. 5 taping. Although they did not have much time to sightsee during their two-day visit, Buske, who had never been to the city before, said it still would have been worth it even if he had won no money.

After taking a family vacation, Buske said he planned to spend his winnings on college tuition for his five children. His 18-year-old daughter, **Kim**, was one of his telephone "lifelines," as was Sgt. **Kirby Warren**, who also works in the narcotics unit. Warren supplied the right answer — Ed McBain — to a question about the author of the 87th Precinct crime novel series.

Sgt. **Bill Kingston** said the office was a buzz before the show. He brought Buske a shirt that read, "Is that your final answer?" Buske, he said, "had a big smile."

Bratton on call

Former New York City police commissioner **William J. Bratton** this month signed an agreement to provide consultative services to clients of Kroll Associates, a global corporate investigations firm.

Under the arrangement, Bratton (left) and his company, the Bratton Group LLC, will focus on areas of training, operational reengineering and analysis of security-related issues. Bratton

will be working once again with **Jerome M. Hauer**, who served as director of the New York Office of Emergency Management when Bratton led the city's police force in the mid-1990's. Hauer is now head of Kroll's Crisis and Consequence Management Group, which the company said was created to provide government entities, police and other public safety agencies around the

world with crisis planning, training and on-site crisis response.

"I am delighted with our new relationship with Bill Bratton and the Bratton Group," said Kroll's president, **Michael Cherkasky**. "It will significantly augment Kroll's growing franchise in worldwide public safety expertise. Bill's proven leadership and innovative management capabilities and successes have made him a world-renowned leader in the public safety and law enforcement arena," he said.

Bratton served as Boston's police commissioner from 1993 until 1994 when he was chosen to head the NYPD, a job he held for two years. He was also chief of the city's transit police force, a position similar to one he held in Boston from 1983 to 1986 as chief of the Massachusetts Bay Transportation Authority Police.

Hartford insurance

After two acting police chiefs in less than a year, the Hartford, Conn., Police Department has finally found a permanent leader in **Bruce Preston Marquis**, former chief of the Houston Independent School District police.



Marquis (left), who was one of five finalists for the job, accepted the post on Oct. 20. His first priority as chief, he said, would be to bridge the gap between the police and the community. In the past six years, more than 20 municipal officers have been arrested in both on- and off-duty incidents, including five who were indicted by a federal grand jury for allegedly assaulting prostitutes.

A consultant's report last year called the agency "dysfunctional," with too many officers making too much in overtime pay and not having enough to do.

Capt. **Robert Rudewicz** had been serving as acting chief of the agency, having been appointed in July to replace interim chief Capt. **Deborah Barrows**. Barrows replaced Chief **Joseph Croughwell**, who went out on sick leave in April 1999 and later retired.

Inside out

It was with disappointment that members of the Dubuque, Iowa, Police Department last month greeted the selection of the city's new police chief, an outsider chosen by the City Council over a well-liked insider finalist.

The selection of **Kim Wadding**, the police chief in Newton, Iowa, over Dubuque Capt. **Mike Sullivan**, sent a message "about how you feel about the department," said Lieut. **Tom Parker**. "All the hours and the dedication. At the end, that doesn't mean much. Walking the halls yesterday, it looked like a funeral," he told The (Dubuque) Telegraph Herald. "People were crying. I'm not exaggerating."

Wadding will take over on Dec. 1. Recommended by City Manager **Mike Van Milligan**, his selection was unani-

mously approved on Oct. 18 by City Council members.

Van Milligan acknowledged that his choice might be controversial, but he called Wadding a man of the "highest personal integrity" whom he believes will "easily communicate with the department and community members."

A 22-year veteran of the Newton police, Wadding said that he would not state his goals or philosophies for the department before first experiencing his new city and the agency. "For me to leave after 22 years is not the easiest thing," he said. "By stepping out, an opportunity opens not only for myself, but my family and the communities of Dubuque and Newton."

But his new subordinates are clearly angry. According to Officer **Tom Pregler**, the senior management team of the department interviewed the candidates. No input, he said, was sought from other police or the union, which took it upon itself to endorse Sullivan.

"He's a local boy," Pregler said of Sullivan. "Now we're going to have an issue with low morale."

Class act

Although the effort led to the indictment last month of two high school students on charges of drug dealing, an undercover probe by the Roanoke County, Va., Police Department that used a young-looking officer to pose as a teenager has not been without controversy.

Dubbed Operation Babyface, the 10-month investigation placed 25-year-old Officer **K.L. Moulton** at Northside High School to gather information and purchase drugs from students who believed she was a 17-year-old transfer student from Northern Virginia. Moulton bought LSD, ecstasy, marijuana and the prescription painkiller OxyContin.

In October, a grand jury indicted **Russell Scott Bailes** and **Derek Alexander Chapman**, both 18, on charges of distributing marijuana and LSD. Six other teenagers have been criminally charged, as well as five adults who were believed to be supplying the students with drugs. Police said they also plan to submit to the substance abuse program run by the county schools the names of more than 50 students who Moulton said used drugs.

"We know who we're going to charge," Lieut. **Mike McGuire** told The Roanoke Times & World News. "These numbers are conservative. They're only going to go up."

According to police, the undercover investigation evolved from information submitted to the vice squad in October 1999 by Officer **Tim Miles**, who is assigned to the school. Although most drug sales were made off campus, Miles learned they were being negotiated during class hours.

In December, the vice unit enrolled Moulton, a newly hired officer from the Lynchburg, Va., Police Department, as a new student. She was given a fake name, attended classes, did homework and socialized with other students. She made friends, eating at students' houses with their parents and hanging out at the mall. A retired officer occasionally played her mother when Moulton invited students to her home. She also attended summer school at William

Byrd High School, providing the basis for additional investigations.

To get into the crowd that was dealing drugs, the youthful-looking Moulton said she wore "lots of Grateful Dead T-shirts," carried a pager and a cell phone and wore baggy clothes. "Kids were passing me notes and asking me if I partied," she told The Times & World News. "It wasn't too hard."

While police and school officials deemed Operation Babyface a success, some students who had befriended Moulton felt betrayed — even if they agreed with the aims of the strategy.

"No one likes to be lied to and played for a fool," said 17-year-old **Sarah Goins**, a senior who was one of a few students who protested the operation last month by walking out of class. "I don't think it was right. She was always asking where she could get drugs."

Moulton said that while she can see why some students would be angry, she hoped they would understand. "Certainly they might not know who to trust anymore," she said. "But hopefully it scared some kids straight. It's going to send such a message. Hopefully, it'll have an impact on the county for a while."

Now you see them, now you don't

The welcome mat was out both literally and figuratively, with a sign hung on the door to greet **Bruce Hall**, the new police chief of Ridgefield, Wash., on his first day of work last month.

Ridgefield, a town of approximately 2,000 on the Oregon border, had been without a chief since January, when **Steve Garritt** retired. Hall, 43, took over from Officer **Cathy Doriot**, who had been in charge of the four-member department. "The officers here are very professional" and have a good sense of humor, said Hall.

Hall was formerly the chief of Forks, where he managed the jail, the 911 dispatch center, a department that serviced a sizable jurisdiction, and worked in the local schools conducting the agency's OARE program.

Other cities around the country welcomed new police chiefs in October, as well.

Recently retired **Kirkland, Wash.**, Police Capt. **Joe Simon** was appointed chief of the Albany, Ore., Police Department. He will assume command on Nov. 16, said a department spokeswoman.

In **Elmendorf, Tex.**, Chief **David Cleveland** took up the reins of a department that not only went through three chiefs in two years, but was itself disbanded in January. As of September, the City Council revived the force and approved the hiring of Cleveland, a former deputy sheriff in Bexar County and police officer in Trinity and Grapeland.

Last year, city officials were charged with violating the state's Open Meetings Act by hiring former U.S. Marshal **Paul Moreno** as part-time police chief. **Mathias Hodges**, who served as chief for 14 years, had been fired by then-Mayor **Sherry Pea**, who cited a

Mass. appeal

Worcester, Mass., officials last month asked acting police chief **James M. Gallagher** if he would like to make the arrangement permanent. He said yes, replacing Chief **Edward P. Gardella** on Oct. 20.

It is hoped that Gallagher will be able to improve police-community relations in the city. Gallagher, a self-described strict disciplinarian, said he is concerned that some in the community are not treated fairly by officers. He plans to focus on the general training of recruits, the emphasis of which, he believes, has shifted over time into adversarial training — concentrating on the dangers and threats officers face. "As a result, there is a tendency to forget that our dealings with people are mostly nonadversarial."

Gallagher joined the force in 1970 almost on a whim. "I was looking for something else to do and saw an ad in the paper," he said. "After the first day, I walked down the street, and thought, 'This is going to be fun.' It has."

lack of confidence. Moreno resigned less than a month later. The case is still awaiting trial.

In **Rangely, Colo.**, Police Chief **Larry Elarton** is asking for his job back, claiming he resigned last month under coercion from former City Manager **Jeff Looney**. He and Looney got into an altercation after Elarton told the official that under state law, he could not release a copy of a 911 tape without a written request.

Acting City Manager **Carol Dittmanson** counseled Elarton that he might not have enough support among city officials to be reinstated, but Elarton said he was urged by his staff and residents to try nonetheless. Looney has since resigned after 225 residents signed a petition voicing no confidence against him.

In **Lebanon, N.H.**, Police Capt. **Gregory Begin**, a 19-year veteran of the force, was named chief of the New Boston, N.H., Police Department last month. He will replace Chief **James McLaughlin**, who served for 11 years. Begin, 40, was chosen by the town's selectmen from a pool of 20 applicants. "We tried to make it a process devoid of personalities and based strictly on credentials," said Town Administrator **Burton Reynolds**. "Greg comes in with some very strong credentials."

Also in New Hampshire, the town of Dunbarton will be working on finding a new chief and rebuilding its police department in light of the retirement of **Donald R. Andrew** and the departures in October of **Timothy Locke**, the agency's only other full-time officer, and part-time officer **Patrick Payette**. With the force down to just three part-time officers, the state police will help with patrols in the meantime.

Shoot? Don't shoot.

Following incident, Chicago cops get new guidelines on firing at vehicles

Chicago police officers will no longer be allowed to shoot at cars unless they are being fired upon by occupants, under a new policy handed down last month by Police Superintendent Terry Hillard.

Agency spokesman Pat Camden said that officers confronted with an oncoming vehicle will be expected to move out of its path. "The easiest thing to do is get out of the way, first and foremost," he told Law Enforcement News. "This is something the Superintendent has been looking at for a while and finally decided to put the changes in writing as of the 18th of October."

Last summer, a training video shown to the department demonstrated that gunfire can rarely disable a vehicle. "A few ounces of lead doesn't stop a 4,000-pound car," said a police source quoted by The Chicago Sun-Times.

Hillard ordered the change, however, less than a week after an officer shot at a car holding a 2-year-old boy in the back seat. Police said the officer was afraid the vehicle, which had allegedly been carjacked, was going to run him down. The child was uninjured and the driver, who was grazed by the bullet, crashed the car into a downtown building.

D.P. Van Blaricom, a former police chief of Bellevue, Wash., and an expert in police practices, said the policy made good sense. Most law enforcement agencies, he said, realize that getting out of the way is the best means of preventing being run down by a car.

"You can't stop it by shooting at it — there is no way you're going to be able to do that," Van Blaricom told LEN.

"And what you may do is in fact disable or kill the driver, whereupon after you jump out of the way, which they always manage to do, the vehicle goes on to kill or hit somebody else because it is now a basically a missile with no control."

Chicago is following the lead of several other major-city departments that have established such policies, including New York. In Washington, D.C., a plethora of incidents involving police shooting at individuals in cars was at least partially responsible for a general order issued in November 1998 that redefined when officers may use force.

Fifty-four cars were shot at during a five-year period from 1993 to 1998, according to an investigative report by The Washington Post. In all cases, officers claimed they had been the victims of "vehicular attacks." Nine people — all unarmed — were killed and 19 others were wounded.

In three incidents occurring in 1994 and 1995, the shootings were found to be unjustified and the city agreed to pay \$775,000 to settle suits brought by survivors in the those cases [See LEN, Nov. 30, 1998.]

The District of Columbia's experience illustrates why police shooting at cars has become a controversial issue, noted Geoffrey Alpert, a criminologist at the University of South Carolina and expert on police pursuits.

"Police officers routinely claim they have to shoot at a vehicle because the driver was using deadly force, trying to run them over," he told LEN. "You read these reports, and it's the same language. You investigate these shootings and for the most part, all the officers had to do was get out of the way."

Chicago, he said, has taken a "very impressive" first step forward.

Alpert echoed Van Blaricom's view that should the driver be shot, the vehicle could go out of control. If a bystander or a passenger were struck by a police bullet, then the municipality has a lawsuit on its hands, he said.

"In most of the incidents that I've looked at, you may have one shot fired at the front, then you have some at the side and the back which have nothing to do with protecting your life, only with the adrenaline rush and the attempted apprehension," Alpert noted.

In order to address concerns raised by the city's Fraternal Order of Police, Chicago's policy includes language stating that the no-shooting order should not endanger the life of either the officer or a citizen. Each incident will thus be looked at on a case-by-case basis, said Bob Podgorny, the union's first vice president.

"They're going to look over my shoulder and say, 'Hey, did you do the right thing?'" he told LEN. "I understand that, but we wanted it clear in there that in order to follow these rules, we're not going to endanger ourselves or anyone else."

Alpert believes that with such inclusions, however, should come additional training, management, supervision and accountability. Without those in place, officers will still be able to fall back on conventional rationalizations for the use of deadly force, rendering the policy moot, he said. "If it's done right," he asserted, "you're going to save a lot of lives, a lot of lawsuits, a lot of damage and lose very little."

Info at their fingertips:

Field trainers have reports well in hand

Field training officers from the Alexandria and Arlington County, Va., police departments have given two thumbs up — way up, as the film critics say — to Adore (Automated Daily Observation Report and Evaluation), a software package for evaluating recruits which they say saves them hours of overtime hand-writing reports.

Adore, which can be accessed either through a laptop or a Palm Pilot, not only provides for computerized note-taking while FTOs are watching their trainees at work, but cuts paperwork by allowing trainers to easily compile numbers for evaluating performance in dozens of categories. Trainers can compress the equivalent of several pages of notes into a file and use a keystroke to assign a numerical rating to a recruit's performance. Information about each candidate is stored on disk which can be passed among the different FTOs with whom the recruit works.

"I think it's working very well for

the police department because it's taken an extremely paper-intensive process that played its part in contributing to FTO burnout, and instead made it something that is very easy to do in the course of a shift," said Arlington County Police Chief Edward Flynn in an interview with Law Enforcement News. "It therefore lends itself to a willingness on the part of the FTOs to document additional behavior and give us a more complete picture of our recruits."

Flynn said the agency began looking at the possibility of using Adore two years ago, when police in nearby Montgomery County, Md., installed it on their laptops. "The cost per laptop was \$7,000 and this just looked like an additional cost we weren't prepared to make," he said. This year, a civilian employee attending a technology conference found the software could be used with a Palm Pilot.

In August, the Arlington department became a test site for the Palm Pilot

Adore, purchasing 30 new personal digital assistants as part of a \$15,000 program. Reports are made using the software, then fed into a headquarters computer. In conjunction with another program, supervisors can track, study and compare recruits. Colorful graphics highlight problem areas.

"My instincts tell me that the Palm Pilot will become the walkie-talkie, if you will, of information technology," said Flynn. "These hand-helds look like they are going to free us from the car, just as the walkie-talkie freed us from the car radio."

"They are compact and extremely portable," said Sgt. Regina Heising, who came up with the new system after brainstorming with the department's computer specialist, Eileen Williams. "The training officer can work on the Palm Pilots while the recruits drive," she told The Washington Post.

Using the Palm Pilot with the Adore software, said Cpl. Charlene Lancaster,

gives her more time to evaluate a recruit, correcting behavior, rather than writing up a report. "I used to have to write out every call they went on," she said. "I wrote down everything, from the time they answered the radio. Now you're not always scribbling. I upload the report into the computer in the morning, and everything is clear and legible."

The Alexandria Police Department has installed Adore in its fleet's laptop computers. It has been used so far by six FTOs to evaluate two recruits, said Sgt. Jennifer Talbert, the department's training coordinator. The remaining trainers will learn the system over the next few months in order to be ready to go when the next class of cadets at the Northern Virginia police academy graduates next month and hits the streets.

"The beauty of the laptop is the training officer can quickly type in the car," Talbert told The Post. "You can

take it into a satellite station, into headquarters — you can take it anywhere."

"Before, we had a five-inch thick, three-ring binder for each recruit," said Alexandria Lieut. Dennis Butler, commander of the field training unit. "We don't have to have that anymore."

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After SWAT trainee's death, Florida county's not shooting blanks in seeking policy change

A team of Sarasota, Fla., school board and local law enforcement officials will decide whether the police department's Criminal Justice Academy needs to change its policy regarding the use of plugged barrels during training exercises, in light of the death of a county firefighter in September.

Michael Yahraus, who was training to become a member of the Sarasota police SWAT team, was killed on Sept. 11 after he was struck in the eye with a 2-inch piece of lead that shot out of the barrel of a plugged firearm and ricocheted off of a car windshield.

The incident occurred during a law enforcement class at the Sarasota County Technical Institute (SCTI). An instructor, Sheriff's Cpl. Al Doane, pretended to be an armed felon. After

jumping into his academy-owned Chevrolet, he drove around the parking lot. Yahraus and his partner, Dennis Orbino, who were pretending to be officers, stopped approximately 30 feet from Doane. Doane put one foot outside of the car door and fired in Yahraus's direction. Realizing that the cadet was injured, Doane ran into the academy to call 911, but the phone lines were not working. Another instructor called over the police radio in his car.

Yahraus's death, which prompted a three-week investigation by the sheriff's department, was ruled accidental. But questions were raised about the use of blanks in plugged weapons. The gas and firing debris from blanks can create pressure that can force the plug out of the barrel.

The shooting is also being probed by attorneys with the Sarasota County School Board, which oversees the SCTI.

Doane, who has been a trainer at the SCTI since 1989, said neither he nor other instructors had ever been told they could not use blanks in plugged guns. The lead plug in the revolver he used on the day Yahraus was shot had been donated to the facility 20 years ago.

Although the handles of the plugged guns are painted red to indicate that they should only be used with primer rounds, according to Police Chief Gordon "Skip" Jolly, Doane said he thought it only meant the firearm could be used for training.

Sheriff's Cpl. Doug Glazer, an academy instructor for eight years, told The

Sarasota Herald-Tribune that he had "never received any training from the academy on which blank round was supposed to be used in which gun."

But when investigators from the sheriff's department questioned Randy Gonzalez, director of the academy, he said he knew that the Smith & Wesson Doane used was plugged. The gun, he said, had been used as a "noisemaker." A full-charge blank, said Gonzalez, had never been fired from that weapon.

Two years ago, the Cincinnati Police Department temporarily suspended the use of blanks during firearms training exercises after a recruit lost her spleen and one kidney. Rebecca Hopkins, 25, was shot in the lower back at close range with a .38-caliber blank round. [See LEN, Jan. 15/31, 1999.]

Lining up to probe deadly force in Detroit

With the FBI launching a civil rights investigation into the shooting this summer of a deaf man armed with a rake and the mayor of Detroit inviting the Justice Department to review fatal police shootings over the past five years, any other agency seeking to probe the Detroit Police Department's use of deadly force may have to take a number and wait its turn.

Mayor Dennis Archer said that in an effort to appease city residents, he had requested in a Sept. 22 letter that Attorney General Janet Reno's office scrutinize each of 40 deadly force cases since 1995. Concerns over the number of people killed by police — as well as subsequent internal investigations that cleared the overwhelming majority of officers involved — have been growing since a published report in May which found that Detroit led the nation's major cities in fatal police shootings.

"I think we should draw a line in the sand, (put) a stake in the ground,

and have the Justice Department come in," he told The Associated Press. "It's best, I think, to have them evaluate this and see how we can do better." The federal review, Archer added, is part of an aggressive strategy aimed at creating long-term changes in the police department's operations.

According to a report released by The Detroit News last spring, the city of about 1 million averaged some 10 deadly police shootings a year from 1990 through 1998. By comparison, New York City, which has 7.3 million residents, averaged 28 fatal shootings during that same period, or less than half the rate in Detroit.

Nearly all Detroit officers involved in fatal shootings over the past five years have been exonerated, said The News. Out of 40 cases, 35 officers were cleared, with just four charged with misdemeanors and one convicted and sent to prison. [See LEN, June 15, 2000.]

Moreover, an analysis by the City

Council that was released this month found that \$124 million in lawsuit settlements and judgments have been paid out over the past 13 years. Last year alone, \$13.8 million was awarded in 97 cases, the city's highest one-year payout since 1992, when it gave \$13 million to plaintiffs in 229 cases.

Then there is the case of Officer Eugene Brown, 33, who has fatally shot three people and has been involved in a fourth, non-fatal shooting, in six years on the force. Although initially cleared by the department of wrongdoing, public outcry over the incidents prompted a review of his record by a new 10-member panel of residents appointed in October by Chief Benny Napoleon. The Wayne County prosecutor's office recently decided not to seek criminal charges against Brown in connection with the shootings. [See "Around The Nation," Page 2.]

So far this year, seven residents have been killed in police-involved shootings, including two within a week of each other in August and September. It was the death of 39-year-old Errol Shaw on Aug. 29 that prompted the FBI to launch its civil rights investigation this month. Dawn Clenney, a spokeswoman for the bureau's Detroit field office, said the findings would be sent to the Justice Department for consideration.

Shaw, who could neither hear nor

speak, was shot by Officer David Krupinski, 23, after brandishing a four-foot metal rake. Krupinski and three other officers were responding to a 911 call from a relative of Shaw's who said that he was threatening his parents with knife. The officers said they did not know the suspect was unable to hear their calls for him to drop the rake.

Krupinski, a 3½-year veteran of the force, has since been indicted on manslaughter charges, with Wayne County prosecutors saying the officer was "without legal excuse or justification" for shooting Shaw. "Basically, our position was that it was unreasonable [for Krupinski] to resort to fatal force without exploring other options," such as using pepper spray or simply backing away, said Kevin Simowski, an assistant prosecutor.

Shaw's family is suing Krupinski and the department for wrongful death and violation of civil rights.

On Sept. 8, police shot and killed Dwight Turner, 49, who authorities said had been shooting at a stray dog and refused to put down his weapon. Prosecutors were said to be looking into whether or not the officer involved would be criminally charged in the death.

In the aftermath of the Shaw case, Napoleon has required officers to participate in four hours of training on how to handle the hearing-impaired. Begin-

ning in December, the department will hold training sessions on police management of hostile situations.

Among other training measures adopted recently by the agency is an increase from 16 hours to 26 hours in cadet training in the use of deadly force. The department also won a grant to develop a computer program that will simulate deadly-force scenarios.

Napoleon's citizens panel has also been charged with exploring less-lethal force alternatives, reviewing officer training and recruitment, and examining the department's policy on deadly force. Although it met for just the first time this month, it is already generating controversy.

Members of the city's Board of Police Commissioners charged that the panel was operating in secret, in violation of the state's Open Meetings Act, and had not adhered to guidelines originally set forth when it was created. According to Assistant Police Chief Marvin Winkler, a citizens panel and a group of police officers are each working separately on recommendations they will forward to Napoleon. That is not how the panel was supposed to operate, however, said Commissioner Edgar Vann Jr.

"The chief said police executives were going to be part of that panel," Vann told The News. "I know what I heard. Why is that different now?"

Pursuit simulation training is no ordinary crash course

While it is no substitute for actual driving experience, a driving simulator used by the Medina County, Ohio, Sheriff's Department has proven to be an effective means of determining how and when a pursuit should be called off.

"The training simulator not only provided training, but it stimulated interest in our pursuit policy and caused a review of that policy through a committee which made some recommendations," Chief Deputy Tom Miller told Law Enforcement News. "We actually found it wasn't that bad, but we made some clarifications."

More than 70 officers were trained in October when the department leased the simulator for a week. During his session, Deputy Dave Swinehart swerved around a computerized image of a transit bus, past a produce truck and a minivan as a BMW pulled ahead

of him, roaring through two red lights.

Swinehart, a 10-year veteran who has been involved in actual high-speed pursuits, pulled left, dodging a pickup truck that had pulled over, then right, to avoid a child on a skateboard. When the BMW whipped left into a school zone, however, Swinehart tapped his brakes, ending the simulated pursuit.

It was the right decision, said driving instructor Darryl Rocklin. "Good recognition. You're not going to chase through a school zone."

Miller recalled that when he started in law enforcement 25 years ago, a pursuit policy was about a paragraph long. The Medina County department's now runs approximately two pages, due mainly to the addition of examples and instances of when a chase should be cut off. By using the simulator, Miller said, police saw how frequently unexpected

obstacles could appear on the road.

Driver training, said Strongsville Police Chief Charles Goss, should make police better thinkers, not NASCAR drivers. His department has used the simulator, he told The Cleveland Plain Dealer, as have other law enforcement agencies in the area.

According to the most recent statistics, 15 people died in Ohio as a result of police chases in 1998, including 10 who were not being pursued.

Geoffrey Alpert, a professor of criminology at the University of South Carolina and an expert on pursuits, said agencies are more cautious today. "You always want to catch the bad guy," he told The Plain Dealer. "But there's a growing awareness that high-speed chases can create risks that run counter to the basic police mission of protecting the public."

She begs their pardon, and gets a new chance at police career

In a ground-breaking move last month, the Minnesota Board of Pardons removed a 13-year-old misdemeanor conviction for shoplifting from the record of a would-be police officer.

Although the board has pardoned misdemeanors in the past, it has always been in conjunction with felonies on a person's record, said the board's Executive Secretary, Sherry Jacobsen. A resolution adopted in connection with the case of Holli Ellering, a 34-year-old law enforcement studies major at Inver Hills Community College, opens the way for other people seeking to have just misdemeanors erased from their records.

Ellering was 20 when she was convicted in 1987 of stealing a carton of

cigarettes from a Cub Foods market. She pleaded guilty to the crime and paid a \$75 fine, but it has complicated her efforts to become a police officer. Having the conviction expunged in 1994 did not satisfy the state's Police Officers Standards and Training Board, which licenses officers.

"I am a good person who made a mistake more than a decade ago," she wrote in a letter to the Pardons Board. "I have no excuse. I only ask for forgiveness and the chance to obtain my dream."

The resolution adopted by the board, which consists of Gov. Jesse Ventura, Chief Justice Kathleen Blatz of the state Supreme Court and Attorney General

Mike Hatch, is a nonbinding general policy stating that drunken-driving and domestic abuse convictions will be unpardonable in most cases. In fact, punishment for such crimes can be increased based on prior convictions for the same transgressions.

Ellering's case was aided by two Minneapolis police officials: Chief Robert Olson and Sgt. Troy Schmitz. Included in the materials sent to the board was a certificate awarded to Ellering by Olson for her help in tracking down a flasher in Minneapolis.

Schmitz wrote a letter attesting to Ellering's "solid morals, ethics and decency." She has the traits, he said, "essential to serve the community."

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Local PD shut out of Indiana crime files

A meeting that is scheduled between the Highland, Ind., Police Department and the state police committee in charge of overseeing access to the FBI's criminal database will determine whether a suspension of the department's privileges in place since September will become permanent.

The revocation of Highland's access to the Indiana Data and Communications System (IDACS), the state's portal into the National Crime Information Center, is believed to be the first such suspension in at least a decade. State police auditors claim that local investigators had been using the system to run checks on contractors and door-to-door solicitors in direct violation of IDACS policy, and continued to do so even after being warned.

"They had a policy of running background checks on anyone doing business with the Highland Police Department," said Sgt. Scott Beanton, a State Police spokesman. "That is not the purpose of this. That is one problem that was addressed with them because they need to change that policy."

The hearing before the IDACS committee is scheduled for Dec. 5. By law, the system can only be used to investigate the criminal backgrounds of indi-

The department admits to running background checks on local businesses, but was it just an honest mistake (with political overtones)?

viduals suspected of involvement in a crime. Highland's violation of the system, if left uncorrected, could have jeopardized access to NCIC for the state's 300 law enforcement agencies, said State Police Maj. Fred Pryor, who chairs the oversight committee.

"Ask any police officer what the regulations are regarding criminal histories and accessing the NCIC triple I," said Sgt. John Richards, who twice audited the department during the summer, referring to the Interstate Identification Index. "Ask them if they know what they can and cannot do. Everybody knows that with the Freedom of Information Act, you have regulations here."

In a detailed Aug. 14 report, Richards described how an IDACS-capable computer was installed at the local high school in Highland and used to check student license plates. The computer, he said, was not only unsecured, but the department had failed to require permission to place the system

in the school.

"I feel the improper use of [the FBI database] is rampant at Highland PD," said the report, as quoted by The Associated Press.

Richards told LEN that department officials were warned about using the system inappropriately, but did not halt their policy. "Any time you'd go into the city hall, you'd have your criminal history run," he said. "They were told not to do that and continued to do so."

The department's side of the story could not be more different, however. While Acting Police Chief Paul Gard acknowledged that the agency did indeed run criminal background checks on contractors and peddlers, he said it did not know that it was violating IDACS policy. The department's IDACS coordinator, he said, who has since been replaced, did not bring to the attention of officials a directive in the quarterly newsletter sent out by the State Police that such use of the system was prohibited.

get them into the system and run background checks. Gard flatly denied that type of subterfuge. Whenever a criminal history was run, he said, the date, time and circumstances were included in department files.

Running background checks on contractors and solicitors was necessary to protect the community, particularly its elderly, against fraud, said Gard. Contractors signed a form, knowing there would be a background investigation. Solicitors were obliged to be fingerprinted beforehand and acknowledge to police any criminal history or be subject to perjury charges.

"Don't you think we have an obligation to know if we have a known pedophile out there selling, going door to door?" asked Gard.

Gard took over as interim chief in June, replacing Joseph Kwanney. Many of the allegations made against the department from employees, he insisted, are politically motivated. "There are a few people who don't like me sitting in this chair."

Life is good for Pinellas cops, but could be a whole lot better

On the plus side, police officers in Pinellas Park, Fla., show a high level of integrity, ride in a well maintained fleet and are proud of their agency. On the down side, they feel underpaid, oppressed by supervisors they believe unqualified to manage and think they are overworked, according to a recent consultant's report.

Focusing on questions of morale, the \$51,000 study conducted by the Tallahassee-based firm MGT of America interviewed each of the agency's 119 sworn and civilian personnel individually, and offered written questionnaires that were completed by 67 employees.

City Manager Jerry Mudd had urged City Council members to approve the study after problems within the agency exploded earlier this year. Three female officers filed state and federal complaints alleging sexual discrimination and harassment, and two male officers filed union grievances charging that they had been targeted for dismissal because of their age and outspokenness.

Among the consultant's 23 recommendations for improving what were seen as the department's major problems — low morale and understaffing — was the implementation of a four-day, 10-hour schedule. The report also suggested that the department's organizational structure be reviewed and assessed; a five-year plan with goals and timelines be established; management training be provided for supervisors, and studies into the feasibility of a take-home car program, providing city-subsidized child care and whether the department offers a competitive salary.

In October, Mudd appointed interim Chief Dorene Thomas to permanent status as was suggested by the report.

Council member Ed Taylor said the results of the study were generally what he expected. In addition to inconsisten-

cies in discipline, the agency had a "terrible lack of communication" and, he said, at least a perceived problem of gender bias.

"It [the report] supported that," said Taylor. "It shows a third to a half of our work force have concerns...in regards to the upper administration and their supervisors."

Among the major problems the study discerned was a pay scale which employees believed was not on a par with that in neighboring jurisdictions. Some council members were surprised by the finding in light of a pay study that was conducted two years ago to correct discrepancies. "I thought we were at least in the top third," said Taylor. "I thought we had tremendous benefits. I thought we were much more than competitive."

Of the 14 agencies surveyed in the previous study, Pinellas Park was ranked seventh.

The city has lost a total of 120 officers since 1995, creating a strain as

newcomers have to be trained constantly as positions open. Moreover, the study said, many officers felt as though the department was understaffed even when at full strength. The result, officers told the consulting group, was burn-out, frustration and less time available per call.

"Many employees also indicated that the frequency of calls for service exceeds the department's ability to provide adequate backup for officers," said the study. "Many employees indicate that this staffing issue affects officer safety and citizen service."

Officers also complained to consultants about micromanagement by supervisors, which includes telling them whether to wear long- or short-sleeved uniforms instead of letting officers choose for themselves based on the weather. The inability of officers to take their squad cars home with them and a lack of child care for officers who work late shifts were also identified as sore spots.

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More cops wanted in high-crime districts

A plan by Chicago city officials to draw veteran officers to high-crime districts — aided by the promise of a \$1,000 bonus and a choice assignment after a five-year tour — has been embraced by the city's police union, which sees the program as an enhancement for those officers it believes would stay anyway for any number of reasons.

The proposal was made by Mayor Richard M. Daley's administration in the wake of a report by The Chicago Sun-Times last year, which found that four of the city's most dangerous districts were patrolled largely by rookie police officers, who were then replaced by more newcomers once they gained enough seniority to transfer out.

The Fraternal Order of Police had summarily rejected an earlier plan to achieve a greater balance of veteran and rookie personnel by increasing from 20 percent to 40 percent the percentage of assignments that could be made by management. Under the new proposal, the union will retain control of 80 percent of district and shift assignments

which will be based on seniority.

The union is betting that most officers tend to stay where they are assigned, even in the high-crime districts. "It's been my experience for 30 years that when you go there, you stay a while," said Bob Podgorny, first vice president of FOP Lodge No. 7. "You have a locker, you have a good boss,

you have a good partner, you're doing your job."

The city's new proposal, he told Law Enforcement News, would encourage officers to remain in the districts by giving bonuses to those who stay. Since it is a voluntary program, any officer who wants out before the five years are up may be reassigned. For those who do a full tour, should they want to transfer, they can be reassigned to a choice post that is part of management's 20 percent. The union would retain its lion share of seniority-based assignments.

"Say you wanted to go into District 30 — a very choice assignment," said Podgorny. "The minimum might be 12 years. Now this officer gets out of the academy, he does a year of probation and then five years in the district so he has a total of six years on the job." Instead of waiting another five years to be reassigned, that officer could be reassigned there in half the time, he noted.

Data problems are a custom at Customs

The Y2K scare may be just a footnote in the history books, but computer problems of a different sort are still a headache for the U.S. Customs Service, where data overload is causing regular brownouts of the computer system at the nation's ports of entry.

According to a recent report in The Wall Street Journal on the use of outdated equipment by federal agencies, low-tech software from the 1980s has been causing as much as one-third of the Customs Service's network to fail each month. An agency spokesman, while acknowledging the problem, called that figure misleading. What is occurring, he told Law Enforcement News, is the occasional shutdown of a regional system when it becomes overloaded with data.


"Brownouts and the problems with brownouts are attributed to the amount of data," the spokesman told LEN. "It's as predictable as death and taxes that the workload that Customs faces in the next five or 10 years is going to increase tremendously. We have a workload that's doubling every 10 years."

The service's Automated Commercial Environment is the system that allows agents to read manifests. It takes information submitted by an importer or carrier and runs down the data, asking what amounts to hundreds of questions, and noting any discrepancies.

"It's pretty impressive, especially when you consider that there are people trying to smuggle things in," said the spokesman. "They don't seem to do a very good job with their paperwork. Red flags pop up, and before you know it, there are Customs inspectors looking through a crate or container."

The Customs Service is in the early stages of upgrading its systems, the spokesman said, allocating part of the roughly \$130 million it received in a recent appropriations. He said the upgrade should take care of another problem with a system that is designed to handle transactions case by case.

"It's sort of like a company refusing to take monthly credit card payments," he said. "The new system would enable us to deal with transactions in a more cumulative way."



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Forum

Slagle:

An overlooked source in DNA lab contamination

By Lyle Slagle

Perhaps more than any other legal event in recent years, the O. J. Simpson trial — hyped by the news media as the "trial of the century" — focused attention on many issues which, for the most part, had remained in the background or in the courtroom. One of those issues brought up during that trial by well motivated (and well prepared) defense attorneys was the possible contamination of DNA evidence from the crime scene — specifically mishandling, poor documentation, careless storage and sloppy testing procedures, among other problems.

Opening the door to scrutiny

By its nature, testing of DNA samples for forensic purposes is hypersensitive, mainly because there are so many possible ways to introduce contamination and thus open the test results to scrutiny. Working with genetic materials, as well as the chemicals and compounds associated with their testing, presents a unique set of challenges at the forensic lab. Among these challenges are the design and construction of building ventilation systems (HVAC) in general, and laboratory work station exhaust systems in particular. These are critical factors because there must be no room for anyone to question their methods of operation, testing and analysis procedures. During the Simpson trial, the possibility of cross-contamination of DNA evidence was pushed hard by the defense team, apparently with good reason and obviously with successful outcome.

Since DNA testing for criminal prosecution purposes was first used in the late 1980s, scores of prisoners — many of them on death row — have been exonerated and freed as a direct result

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of inconclusive DNA evidence matches. Yet widespread DNA testing in criminal cases remains a controversial issue among prosecutors.

Questioning test validity

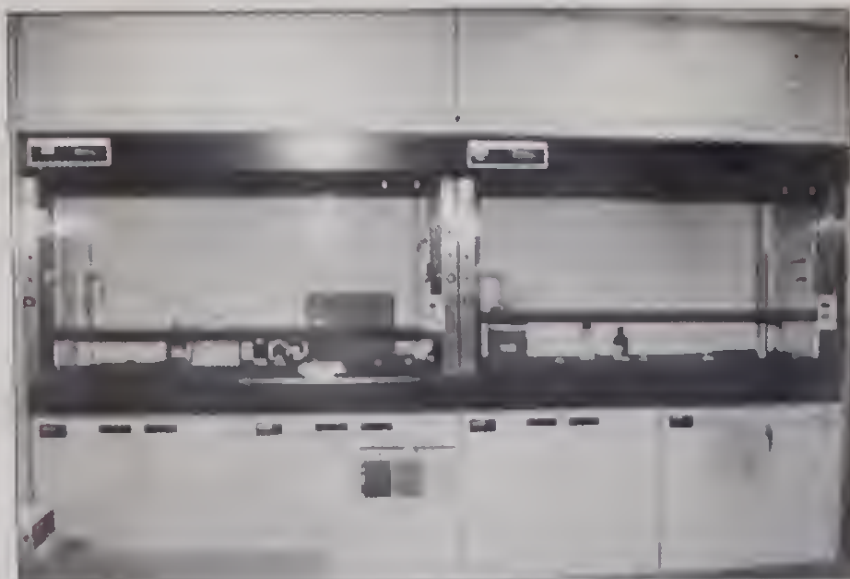
Obviously these facts point out the need for proper management and testing of DNA evidence, since it helps protect the innocent as well as punish the guilty. On the other hand, there are sound reasons for questioning the validity of test methods, because there are many reasons for its possible contamination. One possible cause, and something that is rarely considered, centers on the use of laboratory work stations in the facility, and the cross-contamination that can occur by exhaust fumes mixing between adjacent work stations.

One of the major forensic research facilities in this country that sought to remedy this situation is the Nebraska State Patrol's crime lab, located in Lincoln. This lab analyzes evidence from crime scenes for law enforcement organizations throughout the state, working with toxicology analysis, drug analysis, document analysis, firearms and tool marks, DNA evidence, trace analysis and similar functions. In addition to serving law enforcement agencies throughout the state, the lab also works with the U.S. military base in Nebraska as well as railroads, the post office and other state agencies.

Airborne migration

The Nebraska lab contains a number of work stations used specifically for forensic analysis. Chemicals used at forensic laboratories of this type typically include various solvents, acids and bases. When working with some of these materials, the probability of airborne particulates migrating to adjacent laboratory work stations can be high, as is the possibility of concentrated atmospheric discharge into the neighborhood or re-entry back into the building through external ducts, air intakes and even open windows.

Exhausting fumes from forensic laboratory work stations is a major and complex issue. Toxic, caustic or just plain malodorous exhausts — or any combination of these — can not only be offensive



(Above) A properly designed lab has work stations equipped with fume hoods and variable air volume control.

(Right) DNA evidence is prepared for testing in an environmental chamber.



to neighboring facilities but also dangerous to them and to people working in the laboratory when considering re-entry issues.

For the past 13 years, Dr. John Dietrich has been the director of the Nebraska state laboratory, the only full service facility of its kind in the state. He pointed out that there are six different sections in the laboratory that receive and analyze crime scene evidence. The laboratory contains 11 work stations, with individual exhaust fume hoods, dedicated to sophisticated forensic analysis. Since contamination of forensic evidence is most likely to occur at the laboratory work stations, the possibility of cross-contamination opens a Pandora's box of legal issues, presenting an ideal opportunity for a defense team to plant the seeds of doubt with a jury.

Testing testing

"We would not be too far off if we did not expect a criminal defense attorney to question our laboratory work station ventilation system with regard to possible cross-contaminated evidence," said Dietrich. "As a result, we were really diligent when we planned the DNA laboratory area. At some of the critical areas where contamination could be an issue, we fixed the pressure gradient between adjacent laboratory areas so we could regulate the air flow between rooms and eliminate DNA contamination. In this way we know the air flow goes just one way and the subject of cross-contaminated evidence will not be an issue."

Odor control (with regard to fume hood exhaust) is also an important issue at the forensic lab, since it is adjacent to a bank, a nursery and an apartment building. Dietrich said planners wanted to make certain that fumes exhausted from the laboratory work stations were mixed well and projected high enough in a vertical plume so as to eliminate the odor problem — and, presumably, the potential for any complaints about it.

To address these issues, Dietrich consulted with James L. Kuehl, the chief mechanical engineer for Alvine and Associates in Omaha, a mechanical, electrical and telecommunications consulting firm. Kuehl, Dietrich and others at the crime lab helped design a unique and effective laboratory work station exhaust system to address all critical concerns.

Kuehl said the crime lab's managers first approached him in 1995, shortly after the Simpson trial focused public attention on DNA testing and its evidentiary role in the prosecution of capital crimes. The state's existing criminalistics laboratory, which was part of the Nebraska State Patrol, was not equipped to handle the kinds of sophisticated forensic testing that today's technology demands (and allows), so the Legislature appropriated funds for the remodeling of a new facility.

At that time, the crime lab shared a building

with the state Health Department, which contained a few research laboratory work stations. The Health Department had another portion of its laboratory space in another building that was devoted to water sampling and testing. The water-testing laboratory, Kuehl said, had much more space than it needed, so the architects proposed switching the locations of the water-testing lab and the crime lab. This move consolidated the Health Department's facilities while providing the space needed to expand the crime lab.

Multifunctional solution

At the time, one of the laboratories at the Health Department was using two Tri-Stack laboratory exhaust systems, from Strohic Air Corp. in Harleysville, Pa., to exhaust its work station fume hoods. Kuehl recommended that the updated criminalistics lab add a few more of these fans for its 12 new work station fume hoods. In addition to eliminating the possibility of airborne cross-contamination of particulate matter, the fans would have to serve another function by continually adjusting the amount of exhaust air from the building while maintaining negative air-pressure conditions.

With the amount of exhaust and outside
Continued on Page 10

Note to Readers:

The opinions expressed on the Forum page are those of the contributing writer or cartoonist, or of the original source newspaper, and do not represent an official position of Law Enforcement News.

Readers are invited to voice their opinions on topical issues, in the form of letters or full-length commentaries. Please send all materials to the editor.

Letters

Looking back

To the editor:

I read with interest your 25th anniversary supplement (LEN, Sept. 30, 2000) and the various commentators' perspectives on the major developments in law enforcement. Here are my thoughts on the matter.

Top Positive Developments: 1) Educational emphasis in policing recruitment, selection and promotion. It began in the late 1970s and Larry Sherman's 1978 effort, "The Quality of Police Education, set the tone for future changes. 2) The community policing philosophy taking hold based on various authors' efforts, including David Bayley, Herman Goldstein, Robert Trojanowicz, etc., and the practical application by such police chiefs as Tony Bouza, Lee Brown, Willie Williams, etc. 3) Effective proactive sting-type self-initiated tests to control and minimize police corruption and misconduct — a shift to using the same methods applied against vice crime, such as undercover agents, informers and surveillance.

Top Negative Developments: 1) Corruption scandals in many major cities, including New York, Los Angeles, Miami, New Orleans and elsewhere. 2) The failed federally dominated war on

drugs, especially in areas of constitutional rights violations, search and seizure, and asset forfeiture. 3) The federal raids at Waco and Ruby Ridge, marked by poor training and operational methods and later cover-up attempts.

Major forces for change have made a large impact on the quality of American policing. However, as one can see, the same nagging problems of corruption, brutality and misconduct continue to plague policing. Constitutional policing requires management to remain diligent and to monitor officers' operational techniques utilizing high-tech methods to maintain basic due process for all persons coming in contact with police.

Aggressive policing must always be balanced by due process and community issues. Failure to hold officers and departments accountable for their actions and their use of resources will see a future full of continued misconduct problems. Great strides have been made in the past 25 years; great strides need to be continued for the next 25.

WALTER M. FRANCIS
Lecturer, Department of Sociology,
University of Northern Colorado
President, Justice Associates Ltd.

Campuses take stock of security issues

Continued from Page 1

the data, Harvard University, with 24,373 students and most of its 6,400 undergraduates living on campus, reported 11 rapes last year. Another Massachusetts institution, Amherst College, where a high percentage of the 1,657 students reside on school grounds, reported 13 rapes in 1999.

"I'd like to think it isn't a greater number of offenses, but reported offenses," Amherst College Police Chief John B. Carter told *The Boston Globe*. "I think the reason would be we're very open about collecting these numbers."

Although the changes mandated by the Clery Act go into effect with 1999 reports, statistics gathered by colleges under the earlier legislation still provided the basis for a finding last summer by the newspaper *The Chronicle of Higher Education*, stating that alcohol and drug arrests rose by double-digit percentages in 1998.

A survey conducted by the periodical, which examined 481 four-year institutions of 5,000 or more students, found that alcohol arrests rose by 24.3 percent that year, and drug violations by 11.1 percent. The report also found that forcible sex offenses increased by 11.3 percent and non-forcible offenses

by 27.2 percent.

Some of the highest numbers of arrests for drugs, alcohol and weapons violations were found on the campus of the University of California at Berkeley, according to the survey. The school placed first with 280 drug violations; fifth with 382 alcohol arrests, and second with 34 weapons offenses. The most weapons violations were found at Michigan State University in East Lansing, which reported 49 of the 972 that occurred on campuses nationwide during 1998.

Health researchers suggest that the sharp increase in alcohol arrests — 23,671 on all campuses in 1998 as compared with 18,708 the prior year — reflect their findings of increased use.

In an effort to curtail student drinking, colleges have been trying a new tactic — downplaying the prevalence of binge-drinking on campus. The idea has gained enough favor within the higher-education community that the Department of Education is funding a more comprehensive study of the strategy.

The technique was first tried at Northern Illinois University in 1990, when the proportion of students who said they drank heavily rose slightly

from 43 percent of students to 45 percent following a conventional scare-tactic campaign in 1989.

Using what is called the social-norms model, with posters and advertisements that picture attractive students under the headline "Most students drink five or fewer drinks when they party," campus administrators found heavy

drinking fell to 37 percent. The perception that peers drank heavily also declined from 69 percent in 1989 to 57 percent following implementation of the new strategy.

A decline was also seen in injuries to drinkers, which fell to 15 percent in 1990 from 29 percent the previous year, and in injuries to others, which dropped

from 20 percent to 5 percent.

While proponents acknowledge that the data set is limited to a small number of colleges, the declines have been dramatic enough to prompt several hundred institutions into following suit, including Dartmouth College, Cornell University, and the Universities of Washington and Arizona.

Forum: Pure & simple solution to DNA lab contamination

Continued from Page 9

makeup air required, Kuehl said, this facility would be an intensive energy user and his design concentrated on energy savings wherever possible. A variable air volume (VAV) distribution system was built in to vary the amount of exhaust from a work station fume hood by maintaining a constant minimum face velocity through the fume hood opening. As the hood sash is raised or lowered (with a constant velocity) the volume of air in cubic feet per minute that is moved will increase or decrease. For example, if the hood sash is fully open, there is a large

amount of exhaust discharge; if the hood sash is closed, or nearly closed, there will be a small amount of exhaust. (Hood sashes can waste energy with improper operation, and should only be up when loading fume hoods with equipment, lab evidence or chemicals, to reduce the possibility of air being exhausted outdoors).

A key consideration in the design was to maintain proper pressure relationships so that the laboratory was always kept negative and fumes could not escape into an adjacent area, with resultant legal implications of questionable DNA evidence test results. Other considerations included fume hood exhaust dilution (to eliminate pollution and/or odor), exhaust re-entry (for employee safety), and energy consumption. As it turned out, Kuehl said, the system met these requirements easily, since it draws in outside air and mixes it with exhaust air at the roof line, providing a high velocity discharge to prevent re-entry, diluting exhaust for odor control while operating at low energy levels. Other key benefits included low installation costs, with virtually no maintenance issues for added convenience and cost savings.

The laboratory fume-hood exhaust system at the Nebraska State Lab transports fume hood vapors into manifolded ductwork on the building's roof. Exhaust fans — typically less than 8 feet tall (vs. 15- to 20-foot-tall stacks which usually require guy wires, roof curbs and other expensive mounting hardware) are architecturally pleasing. The high velocity jet propels exhaust up to 350 feet into the atmosphere, ensuring effective dilution. The fans operate with a unique principle that mixes exhaust gases with outside air via nozzle inlet

vents. The high velocity jet is so powerful that the plume is propelled to elevations equivalent to traditional exhaust stack height, yet the system is typically 60 percent shorter than conventional systems.

Particular about particulates

The variable air volume system at the laboratory incorporates a sophisticated control system that constantly checks temperature and pressure, regulating increase or decrease of fresh air intake necessary to maintain set-point values. This is critical for this application since the operation positively prevents cross-contamination of airborne particulates between work stations.

Throughout the country, many advanced forensic laboratories similar to the Nebraska state facility are located in neighborhood communities, and the issue of exhaust pollution and/or odor can be critical. One of the key advantages of the system used in Nebraska is its ability to dilute the laboratory fume-hood exhaust. In fact, the dilution ratio — the volume of outside air mixed with laboratory fume-hood exhaust air — is a primary consideration. Systems like this have also been used for other specialized law enforcement applications, such as hospital isolation room exhaust at correctional facilities, where healthy inmates, prison staff, visitors and even residents of the surrounding community must be isolated from possible communicable diseases, such as TB and AIDS.

The cross-contamination of DNA evidence at forensic labs can be a bonafide — and serious — issue, with the laboratory work station often an overlooked source of the problem. In a modern, well designed lab, however, this no longer needs to be the case.

Headlines are not enough

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Around the country, police have their days in court

For police agencies around the nation, it was a case of you win some, you lose some in terms of a number of recent state and federal court decisions affecting law enforcement.

¶ In Denver, the city's North Metro Drug Task Force was given authority by a District Court judge to search a book store customer's purchase record as part of its investigation into a meth lab. The lab had been discovered during a raid on an mobile home in Adams County last spring.

Judge Stephen Phillips said in his Oct. 20 decision that while he recognized the First Amendment right of an individual to "receive information and ideas, regardless of social worth," there is a legal balancing test which weighed those rights against law enforcement's ability to investigate crimes.

Task force members uncovered two books and a shipping envelope containing an invoice number from the Tattered Cover book store in downtown Denver. Police hoped to link the slip to at least one of the six people who frequented the mobile home and bought "The Construction and Operation of Clandestine Drug Laboratories" by Jack B. Nimble, and "Advanced Techniques of Clandestine Psychedelic and Amphetamine Manufacture" by Uncle Fester.

The identity of the drug lab operators, said Phillips, was of "significant public interest" and the purchase of the books an important piece of evidence. The task force was commended for seeking only specific invoices and not "stumb[ling] through other private records."

¶ A District Court judge in California, meanwhile, handed down a tentative ruling that held unconstitutional the Pomona Police Department's policy of strip-searching all felony suspects. The decision stemmed from a lawsuit involving a 48-year-old woman who was subjected to a visual examination of her buttocks, breasts and genital area after being arrested for investigation of passing a counterfeit \$20 bill.

The arrestee, Eugenia Cazares, was forced to disrobe at the city jail. Cazares claimed police had violated her constitutional rights to be free from an unreasonable search. But, said the attorney representing Police Chief Fred Sanchez: "It's not unreasonable that someone passing counterfeit money may also be trafficking in drugs."

Judge Dean D. Pregerson noted that effective search techniques exist which

are more reasonable than making all prisoners "completely disrobe, take off their underclothing and spread their buttocks."

¶ In U.S. v. Gori, a sharply divided panel of the U.S. Court of Appeals for the Second Circuit on Oct. 18 reversed a lower court, finding that New York City police officers staking out at an alleged drug dealer's apartment acted reasonably when they used the entry of a take-out delivery person to first observe, then seize the occupants inside.

The ruling overturned a finding by Southern District Judge Robert P. Patterson Jr., who said officers had violated the Fourth Amendment rights of the apartment's occupants, Julio Gori and Sorin Pichardo. Basing his ruling on Payton v. New York, a 1980 U.S. Supreme Court decision that requires police to obtain a warrant before making a felony arrest inside a home, Patterson had granted a motion to suppress the discovery of two kilograms of cocaine, as well as subsequent statements made by the defendants.

The use of force "to compel the investigatory stop did not occur in the street," noted Patterson, "but was directed at a private residence — a place entitled to special consideration under the Fourth Amendment."

But appellate Judge Dennis G. Jacobs disagreed, reasoning that the guiding case law was not Payton, but Santana v. United States. In Santana, the U.S. Supreme Court found that a drug suspect whom police had probable cause to arrest could not claim the protected privacy interest that triggered a warrant requirement since the defendant was standing in her doorway, exposed to public view.

¶ Sex offenders in Missouri convicted before 1994 and who have lived in the same county for the past six years need not register as such with police or sheriff's departments, according to a decision handed down on Oct. 17 by the state's Supreme Court.

At issue is the ambiguous language of Missouri's Megan's Law, which triggers the registration requirement only through the act of "coming into" any county instead of a straightforward order that prior sex offenders register upon being present in any county for more than 10 days.

The case stems from a lawsuit filed by a man convicted of statutory rape in 1983. He served a four-year sentence and was discharged from parole in

1993. Since his discharge, the plaintiff has lived in Jackson County. Last year, when told to register as a sex offender, he refused and filed suit.

Mary Still, a spokeswoman for state Attorney General Jay Nixon, predicted that the current law will be "easily and quickly changed" by the Legislature.

¶ The California Supreme Court this month overturned an appellate court's decision that threw out evidence gathered by Brea police in 1997 because the officer had written the wrong address on the search warrant.

In a unanimous opinion, the court said that there was little chance of the warrant being served on the wrong house, despite the errors. It described the house's color, and was served by an officer who knew the correct site.

Critics of the decision, however, pointed to similar mistakes where the results have been tragic. The Los Angeles City Council, for example, recently settled a lawsuit for \$775,000 in a case involving an innocent 68-year-old man who was roughed up by police when they raided the wrong house.

"The real possibility after a case like this is officers won't bother getting accurate descriptions because they know if they go to court and say, 'This is the place I intended to search,' that may be enough," said Judith Kahn, lawyer for the Brea defendant, who was convicted on drug and weapons charges.

¶ The smell of marijuana is enough to justify a warrantless search of a vehicle and its passengers, the Ohio Supreme Court said in September.

The decision stemmed from a case in which a motorist was stopped for running a red light. It establishes what the court called a "plain smell" exception for police.

"We hold... that the smell of marijuana, alone, by a person qualified to recognize the odor, is sufficient to establish probable cause to search a motor vehicle, pursuant to the automobile exception to the warrant requirement," said Justice Evelyn Lundberg Stratton.

Writing separately, Justice Paul E. Pfeifer concurred with the part of the decision regarding the search of the car, but not with the search of the occupants. "The smell of marijuana smoke on a person is entirely different; it provides probable cause that marijuana has been smoked, not that the person smoked it," he wrote. "Everyone in a smoke-filled room smells of smoke whether or not they actually smoked."

Partington of the Providence Public Safety Commission, who is a former U.S. Marshal for the District of Rhode Island; Assistant Attorney General Patrick Youngs; Deputy Attorney General Gerald Coyne, and John Enright, a supervisory special agent in charge of the Providence office of the U.S. Secret Service.

Detective Sgt. Joseph Delprete of the State Police has been named interim witness-protection coordinator until the creation of a permanent position is approved by the General Assembly, said Ferland. The coordinator will be part of the State Police in terms of pay, benefits and chain of command, although the position will be housed at the attorney general's office.

Ferland.

Changes in the state's witness-protection statute have been proposed, as well. As it now stands, the law has little to say about non-criminal witnesses. For the past 10 years, according to Ferland, the legislation has served as a system of checks and balances on state and local expenditures for witness protection and as a way of ensuring that such individuals remain in a custodial setting. As a result, a void has been left with regard to non-criminal witnesses.

Among the members of the oversight committee are Col. Vincent Vespa, who specialized in organized crime as a State Police lieutenant and is now Chief of Police in South Kingstown; Commissioner John

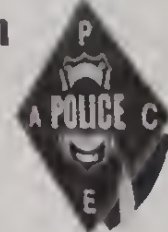
R.I. police try harder to keep witnesses alive

Continued from Page 1

timidation or retaliation," said Ferland.

To that end, he said, the state attorney general's office has developed a risk assessment grid that has been made available to all police agencies and prosecutors so that while conducting preliminary investigations they have criteria for gauging the danger to a witness. The grid takes into account a witness's background, including health and whether they live in the same neighborhood as the people they are testifying against. It also considers the background of the defendant, such as whether the person has a history of lashing out at those who are cooperating with authorities or have gang affiliations — a term used loosely, said

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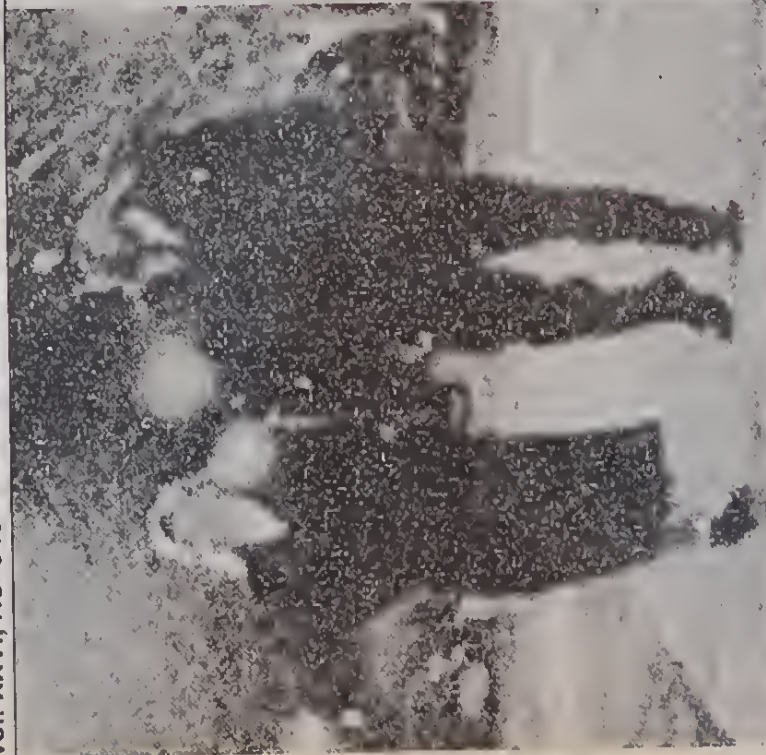
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College campuses: a safe haven?

Schools race deadline to post U.S.-mandated accurate crime data.

Page 1.

Checking under the hood

Cross-contamination of DNA evidence in a laboratory can be a serious problem. One overlooked source? Improperly ventilated work stations.



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What They Are Saying:

"These hand-helds look like they are going to free us from the car, just as the walkie-talkie freed us from the car radio"

— Arlington, Va., Police Chief Edward Flynn, on his department's growing use of the Palm Pilot personal digital assistant and software aimed at helping field training officers. (Story, Page 5.)